

REMARKS

In response to the Office Action of February 4, 2009, minor amendment has been made to the specification at page 22 to correct a typographical error. Claims 1, 10, 14 and 15 have been amended and claims 6 and 11-13 have been canceled.

Claim 1 has been amended to recite that said first and second data strings are received in an electronic device. Support for this amendment can be found in the application as filed (PCT/IB2002/004990) at page 10, lines 10-13.

Claim 10 has been amended to recite a computer readable medium stored with code and to specifically recite what is performed when said computer readable medium stored with code is executed by a computer. Support for this amendment can be found in the claim as it was previously presented.

Claims 14 and 15 have been amended to correct various informalities and to recite a "receiver" in place of "a component for receiving."

New claim 16 recites that the electronic device is a mobile terminal device. Support is found in the application as filed, including page 1, line 10.

New claims 17-20 are each dependent on claim 1 and specify specific details concerning the first data string and the second data string with regard to particular applications of the recited method. Support for these claims is found in the original application as filed, including page 21, line 24 through page 23, line 28.

Claim Rejections- 35 U.S.C. 112

At section 1 of the Office Action, claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is asserted that in claim 1, it is indefinite as to what is "characterized by," the method or the receiving of second data string. Applicant has amended claim 1 to delete the phrase "characterized by". The claim as amended makes clear the actions recited therein and is in conformance with 35 USC §112.

Claim Rejections- 35 U.S.C. 101

At section 3 of the Office Action, claims 1-15 have been rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically it is asserted that the claims are directed to inventions that merely perform calculations and manipulations of data according to a mathematical algorithm for determining a similarity between two data strings. The Office asserts that the claimed invention must accomplish a practical application, that is, it must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result.

The method of independent claim 1 as amended determines similarity measures based on a comparison between a first data string and a number of second data strings. The similarity measures are consequently output according to the amount of similarity between the specific data string and the first data string. Thus, the similarity measure for the data string most similar to the first data string would be output first, while the similarity measure for the least similar would be output last. As is explained in the application as filed at pages 22-23, there are at least several practical applications for this claimed method all of which produce useful and concrete results. For example, if the method is used in searching for a specific piece of text, a list of compared matches is output to the user based on amount of similarity (Application as file, page 22, lines 1-7). It can be similarly applied to a sequence of musical tones (Application as filed, page 22, lines 10-18). Therefore, the inventions of independent claims 1, 10 and 14 clearly perform a useful, concrete and tangible result and meet the machine - or transformation test of *In re Bilski* 545 F.3d 943, 88 USPQ2d 1385 (CAFC 2008). Furthermore, independent method claim 1 has been amended to recite that said data strings are received by an electronic device, tying the method tied to a particular machine.

Further, at page 3 of the Office Action, claims 1-9 are rejected as directed to non-statutory subject matter, because the claims recite a mental process.¹

As amended, claims 1-9 are directed for implementation by an electronic device and therefore the claims as amended do not recite a mental process. Therefore, the rejection as directed to a mental process is believed to be overcome.

¹ At page 3, lines 15-16, claims 1-11 are recited, but in fact it is believed that the Office is actually referring to claims 1-9.

Further, in the last paragraph bridging pages 3 and 4 of the Official Action, claims 10, 11, and 13 are rejected as directed to non-statutory subject matter as being directed to a program embodied in a carrier wave. Reference is made to the specification at page 10, lines 10-14 wherein a carrier wave is mentioned. However, contrary to the position taken by the Office, the paragraph at page 10, lines 10-13 merely states that "another aspect of the present invention a computer data signal is provided" and that "[t]he computer data signal is embodied in a carrier wave...". However, at page 10, lines 5-8, it is clearly stated that in a different aspect of the present invention, a computer program product is provided that comprises program code means stored on a computer readable medium for carrying out the methods of the preceding description which program product is run on a computer. Consequently, it is respectfully submitted that claim 10 as amended, since it specifically recites a computer readable medium stored with code which when executed by a computer performs recited actions, recites statutory subject matter under 35 USC §101. Claims 11 and 13 have been canceled.

The rejection of claim 12 at page 4, lines 2-3 of the Official Action as directed to non-statutory subject matter is moot since claim 12 has been canceled.

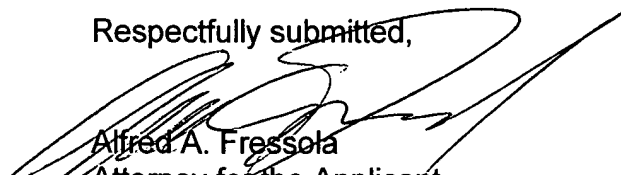
In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

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